

APPEAL, STAY

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-10451-RWZ**

Schmitt v. Smith et al
Assigned to: Judge Rya W. Zobel
Case in other court: First Circuit, 06-01778
First Circuit, 06-01789
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 03/02/2004
Date Terminated: 04/05/2006
Jury Demand: Defendant
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff

Joseph P. Schmitt

represented by **Joseph P. Schmitt**
M-81137
Massachusetts Treatment Center
30 Administration Road
Bridgewater, MA 02324-3230
PRO SE

V.

Defendant

Jeffrey Smith

represented by **C. Raye Poole**
Department of Correction
70 Franklin Street
Suite 600
Boston, MA 02110
617-727-3300
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Defendant

William Grossi

represented by **C. Raye Poole**
(See above for address)
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(See above for address)
LEAD ATTORNEY
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Philip W. Silva, IV
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Defendant

Peter Allen

represented by **C. Raye Poole**
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LEAD ATTORNEY
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Jody Adams Brenner
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ATTORNEY TO BE NOTICED

Philip W. Silva, IV
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ATTORNEY TO BE NOTICED

Defendant

Michael T Maloney

represented by **C. Raye Poole**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jody Adams Brenner
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**William Faria**represented by **C. Raye Poole**
(See above for address)*LEAD ATTORNEY*
*ATTORNEY TO BE NOTICED***Jody Adams Brenner**
(See above for address)
LEAD ATTORNEY
*ATTORNEY TO BE NOTICED***Philip W. Silva, IV**
(See above for address)
*ATTORNEY TO BE NOTICED***Defendant****Ernest Therien**represented by **C. Raye Poole**
(See above for address)
LEAD ATTORNEY
*ATTORNEY TO BE NOTICED***Jody Adams Brenner**
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LEAD ATTORNEY
*ATTORNEY TO BE NOTICED***Philip W. Silva, IV**
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*ATTORNEY TO BE NOTICED***Defendant****Massachusetts Department of
Corrections**represented by **C. Raye Poole**
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LEAD ATTORNEY
*ATTORNEY TO BE NOTICED***Jody Adams Brenner**
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LEAD ATTORNEY
*ATTORNEY TO BE NOTICED***Philip W. Silva, IV**
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/02/2004	1	MOTION for Leave to Proceed in forma pauperis by Joseph P. Schmitt.

		(Jenness, Susan) (Entered: 03/05/2004)
03/02/2004	②	AFFIDAVIT in Support re 1 MOTION for Leave to Proceed in forma pauperis. (Jenness, Susan) (Entered: 03/05/2004)
03/02/2004	③	COMPLAINT against all defendants, filed by Joseph P. Schmitt. (Jenness, Susan) (Entered: 03/05/2004)
03/02/2004	④	APPENDIX/EXHIBIT re 3 Complaint by Joseph P. Schmitt. (Jenness, Susan) (Entered: 03/05/2004)
03/02/2004	⑤	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Cohen. (Jenness, Susan) (Entered: 04/22/2004)
03/08/2004	⑥	Letter/request (non-motion) from Joseph P. Schmitt. (Johnson, Jay) (Entered: 03/22/2004)
03/26/2004	⑦	Judge Rya W. Zobel : ORDER entered granting 1 Motion for Leave to Proceed in forma pauperis. The Clerk shall return the complaint to the undersigned for screening on the merits pursuant to 28 U.S.C. ? 1915(e) and summonses shall NOT issue pending the completion of screening on the merits. (Lanier, Marjorie) (Entered: 03/26/2004)
03/30/2004	⑧	Copy of document no. 6 mailed via us mail to plaintiff (Jenness, Susan) (Entered: 03/30/2004)
04/13/2004	⑨	MOTION for Court to Order Defendants to Produce a True Copy of Civil Action No. SUCV2002-02562(Jenness, Susan) Modified on 4/21/2004 (Johnson, Jay). (Entered: 04/16/2004)
04/15/2004	⑩	Letter/request (non-motion) from Joseph P. Schmidt regarding address. (Johnson, Jay) (Entered: 04/20/2004)
05/03/2004	⑪	Letter/request (non-motion) from Pro Se Intake Clerk reporting status on CA 04-10451-RWZ in response to request by plaintiff. (Jenness, Susan) (Entered: 05/03/2004)
05/03/2004	⑫	Status letter mailed to plaintiff via us mail 5/3/04 (Jenness, Susan) (Entered: 05/03/2004)
10/01/2004	⑬	Judge Rya W. Zobel : ORDER entered. Having completed the screening on the merits of plaintiff's complaint pursuant to Section 1915(e)(2), the Clerk shall issue summonses and the United States Marshal shall serve a copy of the complaint, summons and this order upon defendants as directed by the plaintiff with all costs of service to be advanced by the United States.(Weissman, Linn) (Entered: 10/01/2004)
10/01/2004	⑭	Summons Issued as to Peter Allen, William Faria, William Grossi, Michael T Maloney, Massachusetts Department of Corrections, Jeffrey Smith, and Ernest Therien. (Weissman, Linn) (Entered: 10/01/2004)
10/01/2004	⑮	Judge Rya W. Zobel : ORDER entered denying 7 Motion for Order for production of certain documents without prejudice. (Weissman, Linn) (Entered: 10/01/2004)

10/01/2004	⑨	Summons Issued as to Peter Allen, William Faria, William Grossi, Michael T Maloney, Massachusetts Department of Corrections, Jeffrey Smith, and Ernest Therien. (Weissman, Linn) (Entered: 10/01/2004)
10/25/2004	⑩ 12	US Marshal Process Receipt and Return for Civi Rights Action. Michael Maloney served Delivered on 10/15/04 (Johnson, Jay) (Entered: 10/26/2004)
10/25/2004	⑪ 13	US Marshal Process Receipt and Return for Civil Rights Action. Mass. Dept of Corrections served Delivered on 10/20/04 (Johnson, Jay) (Entered: 10/26/2004)
10/26/2004	⑫ 14	MOTION for Court Order for Defendants to produce a True Copy of Suffolk Superior Civil Court Action Number SUCV2002-02562 Schmitt V. Smith et al by Joseph P. Schmitt.(Johnson, Jay) (Entered: 10/27/2004)
11/09/2004	⑬ 15	MOTION to Compel by Joseph P. Schmitt.(Johnson, Jay) (Entered: 11/10/2004)
11/10/2004	⑭ 16	US Marshal Process Receipt and Return for Civil Rights Action. Peter Allen served Delivered on 11/2/04 (Johnson, Jay) (Entered: 11/10/2004)
11/10/2004	⑮ 17	US Marshal Process Receipt and Return for Civil Rights Action. William Grossi served Delivered on 11/2/04 (Johnson, Jay) (Entered: 11/10/2004)
11/10/2004	⑯ 18	US Marshal Process Receipt and Return for Civil Rights Action. Jeffrey Smith served Delivered on 11/2/04 (Johnson, Jay) (Entered: 11/10/2004)
11/10/2004	⑰ 19	US Marshal Process Receipt and Return for Civil Rights Action. Ernest Therien served Delivered on 11/2/04 (Johnson, Jay) (Entered: 11/10/2004)
11/10/2004	⑱ 20	US Marshal Process Receipt and Return for Civil Rights Action. William Faria served Delivered on 11/4/04 (Johnson, Jay) (Entered: 11/10/2004)
11/10/2004	⑲ 21	MOTION for Extension of Time to 12/20/04 to File Answer re 3 Complaint by Massachusetts Department of Corrections.(Silva, Philip) (Entered: 11/10/2004)
11/10/2004	⑳ 22	MOTION for Leave to File <i>Exemption from Local Rule 7.1</i> by Massachusetts Department of Corrections.(Silva, Philip) (Entered: 11/10/2004)
11/15/2004	㉑	Judge Rya W. Zobel : electronic ORDER entered granting 21 Motion for Extension of Time to Answer Massachusetts Department of Corrections. (Urso, Lisa) (Entered: 11/15/2004)
11/16/2004	㉒	Judge Rya W. Zobel : endorsed ORDER entered granting exemption from Local Rule 7.1 requirement (Urso, Lisa) (Entered: 11/17/2004)
11/16/2004	㉓	Opposition re 21 MOTION for Extension of Time to 12/20/04 to File Answer re 3 Complaint filed by Joseph P. Schmitt. (Johnson, Jay) (Entered: 11/17/2004)
12/13/2004	㉔	Letter/request (non-motion) from Joseph P. Schmitt regarding request for

		ruling on motion to compel. (Johnson, Jay) (Entered: 12/14/2004)
12/16/2004	②5	ANSWER to Complaint with JURY DEMAND by Peter Allen, William Faria, William Grossi, Massachusetts Department of Corrections, Jeffrey Smith, Ernest Therien.(Silva, Philip) (Entered: 12/16/2004)
12/16/2004	②6	Judge Rya W. Zobel : order ORDER entered reserving ruling on <u>14</u> Motion for Order, reserving ruling on <u>15</u> Motion to Compel. Defendants have until 12/29/04 to file any oppositions. (Urso, Lisa) (Entered: 12/17/2004)
12/21/2004	②7	NOTICE of Scheduling Conference Scheduling Conference set for 1/25/2005 02:30 PM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 12/21/2004)
12/23/2004	②8	Opposition re <u>15</u> MOTION to Compel <i>Department of Correction to Provide Address for Defendant Maloney</i> filed by Massachusetts Department of Corrections. (Silva, Philip) (Entered: 12/23/2004)
12/23/2004	②9	Opposition re <u>14</u> MOTION for Order to to Order Defendants to produce a True Copy of Suffolk Superior Civil Court Action Number SUCV2002-02562 Schmitt V. Smith et al filed by Massachusetts Department of Corrections. (Attachments: # 1 Exhibit Ex. A - Docket Sheet)(Silva, Philip) (Entered: 12/23/2004)
12/28/2004	③1	MOTION to Appoint Counsel by Joseph P. Schmitt.(Johnson, Jay) (Entered: 12/29/2004)
12/29/2004	③0	MOTION for Writ of Habeas Corpus ad testificandum by Joseph P. Schmitt.(Johnson, Jay) (Entered: 12/29/2004)
12/30/2004	③2	EMERGENCY REPLY to Response to Motion re <u>14</u> MOTION for Order to to Order Defendants to produce a True Copy of Suffolk Superior Civil Court Action Number SUCV2002-02562 Schmitt V. Smith et al filed by Joseph P. Schmitt. (Johnson, Jay) Modified on 1/5/2005 (Johnson, Jay). (Entered: 01/04/2005)
12/30/2004	③3	EMERGENCY REPLY to Response to Motion re <u>15</u> MOTION to Compel filed by Joseph P. Schmitt. (Johnson, Jay) Modified on 1/5/2005 (Johnson, Jay). (Entered: 01/04/2005)
01/05/2005	③	Notice of correction to docket made by Court staff. Correction: #28 Opposition to Motion to Compel corrected because: Opposition addresses the wrong motion, and is a duplicate of #29. Filer shall be required to refile the document. (Johnson, Jay) (Entered: 01/05/2005)
01/05/2005	③4	Opposition to Plaintiff's Motion to Compel by Massachusetts Department of Corrections <i>Refiled Opposition</i> (Silva, Philip) Modified on 3/3/2005 (Johnson, Jay). (Entered: 01/05/2005)
01/12/2005	③	Judge Rya W. Zobel : endorsed ORDER entered denying <u>14</u> Motion for Order (Urso, Lisa) (Entered: 01/12/2005)
01/19/2005	③5	MOTION for Recusal by Joseph P. Schmitt.(Johnson, Jay) (Entered:

		01/21/2005)
01/19/2005	36	MOTION for Reconsideration re <u>14</u> MOTION for Order to to Order Defendants to produce a True Copy of Suffolk Superior Civil Court Action Number SUCV2002-02562 Schmitt V. Smith et al, Order on Motion for Order by Joseph P. Schmitt.(Johnson, Jay) (Entered: 01/21/2005)
01/21/2005	37	MOTION for Memorandum of Decision Regarding Denial of Plaintiff's Motion for Order filed on 1/12/05 by Joseph P. Schmitt.(Johnson, Jay) (Entered: 01/25/2005)
01/25/2005	38	electronicClerk's Notes for proceedings held before Judge Rya W. Zobel : Scheduling Conference held on 1/25/2005; defendant to file motion for summary judgment and or to dismiss; 30 days after for opposition; (Urso, Lisa) (Entered: 01/27/2005)
02/01/2005	38	MOTION for Declaratory Judgment by Joseph P. Schmitt.(Johnson, Jay) (Entered: 02/03/2005)
02/01/2005	39	MOTION to Withdraw <u>35</u> MOTION for Recusal by Joseph P. Schmitt. (Johnson, Jay) (Entered: 02/03/2005)
02/01/2005	40	MEMORANDUM OF LAW by Joseph P. Schmitt to <u>38</u> MOTION for Declaratory Judgment. (Johnson, Jay) (Entered: 02/03/2005)
02/01/2005	41	AFFIDAVIT of Joseph Peter Schmitt re Scheduling Conference by Joseph P. Schmitt. (Johnson, Jay) (Entered: 02/03/2005)
02/04/2005	44	STATE COURT Record. (Johnson, Jay) (Entered: 02/09/2005)
02/07/2005	42	MOTION for Sanctions by Joseph P. Schmitt.(Johnson, Jay) (Entered: 02/09/2005)
02/07/2005	43	Opposition re <u>14</u> MOTION for Order to to Order Defendants to produce a True Copy of Suffolk Superior Civil Court Action Number SUCV2002-02562 Schmitt V. Smith et al filed by Massachusetts Department of Corrections. (Johnson, Jay) (Entered: 02/09/2005)
02/25/2005	45	MOTION to Dismiss <i>or, in the alternative, for Summary Judgment</i> by Jeffrey Smith, William Grossi, Peter Allen, William Faria, Ernest Therien, Massachusetts Department of Corrections.(Silva, Philip) (Entered: 02/25/2005)
02/25/2005	46	Cross MEMORANDUM in Support re <u>45</u> MOTION to Dismiss <i>or, in the alternative, for Summary Judgment</i> filed by Jeffrey Smith, William Grossi, Peter Allen, William Faria, Ernest Therien, Massachusetts Department of Corrections. (Attachments: # 1 Exhibit A - 103 CMR 481 (12/8/00)# 2 Exhibit B 103 CMR 481 (4/26/02)# 3 Exhibit C 3/4/04 - letter# 4 Affidavit Robert Murphy# 5 Affidavit John Luongo# 6 Affidavit Certified Administrative Record)(Silva, Philip) (Entered: 02/25/2005)
02/25/2005	47	Opposition re <u>42</u> MOTION for Sanctions filed by Jeffrey Smith, William Grossi, Peter Allen, William Faria, Ernest Therien, Massachusetts

		Department of Corrections. (Silva, Philip) (Entered: 02/25/2005)
03/22/2005	④8	Opposition re <u>45</u> MOTION to Dismiss or, <i>in the alternative</i> , for Summary Judgment filed by Joseph P. Schmitt. (Johnson, Jay) (Entered: 03/23/2005)
03/22/2005	④9	Letter/request (non-motion) from Joseph P. Schmitt to Circuit executive regarding response to motions. (Johnson, Jay) (Entered: 03/23/2005)
03/22/2005	⑤0	Letter/request (non-motion) from Joseph P. Schmitt requesting rulings on pending motions. (Johnson, Jay) (Entered: 03/23/2005)
03/30/2005	⑤1	Judge Rya W. Zobel : ORDER entered denying <u>30</u> Motion for Writ of Habeas Corpus ad testificandum, granting in part and denying in part <u>31</u> Motion to Appoint Counsel, finding as moot <u>35</u> Motion for Recusal, denying <u>36</u> Motion for Reconsideration, denying <u>37</u> Motion for Order, reserving ruling on <u>38</u> Motion for Declaratory Judgment, granting <u>39</u> Motion to Withdraw, denying <u>42</u> Motion for Sanctions, reserving ruling on <u>45</u> Motion to Dismiss, denying <u>15</u> Motion to Compel (Urso, Lisa) (Entered: 03/31/2005)
04/05/2005	⑤2	EX-PARTE and EMERGENCY MOTION for Authorization of Funds by Joseph P. Schmitt.(Johnson, Jay) (Entered: 04/06/2005)
04/05/2005	⑤3	EMERGENCY MOTION to Stay by Joseph P. Schmitt.(Johnson, Jay) (Entered: 04/06/2005)
04/05/2005	⑤4	Letter/request (non-motion) from Joseph Peter Schmitt requesting copies. (Johnson, Jay) (Entered: 04/06/2005)
04/21/2005	⑤	Judge Rya W. Zobel : endorsed ORDER entered granting <u>53</u> Motion to Stay. (Urso, Lisa) (Entered: 04/22/2005)
04/21/2005	⑥	Judge Rya W. Zobel : endorsed ORDER entered denying <u>52</u> Motion for Disbursement of Funds. This court has no authority to order the State Treasurer to provide funds for this purpose. (Urso, Lisa) (Entered: 04/22/2005)
04/25/2005	⑤5	Letter/request (non-motion) from Joseph Schmitt requesting copies. (Johnson, Jay) (Entered: 04/27/2005)
04/28/2005	⑤6	Letter/request (non-motion) from Joseph Schmitt requesting copies. (Johnson, Jay) (Entered: 04/29/2005)
06/22/2005	⑤7	Emergency MOTION for Extension of Plaintiff's Emergency Motion for Stay of Action (53) by Joseph P. Schmitt.(Johnson, Jay) (Entered: 06/23/2005)
07/15/2005	⑦	Judge Rya W. Zobel : endorsed ORDER entered granting <u>57</u> Motion for Extension of Time for stay. The stay is extended to 8/31/05. (Urso, Lisa) (Entered: 07/15/2005)
09/21/2005	⑤8	Letter/request for ruling on defendants motion #45 from Joseph P. Schmitt. (Johnson, Jay) (Entered: 09/22/2005)

12/30/2005	⑤9	NOTICE of Appearance by C. Raye Poole on behalf of all defendants (Poole, C.) (Entered: 12/30/2005)
01/10/2006	⑥0	ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel : Status Conference held on 1/10/2006. Jury or Bency Trial set for 4/3/2006 09:00 AM in Courtroom 12 before Judge Rya W. Zobel. Pretrial Conference set for 3/22/2006 02:30 PM in Courtroom 12 before Judge Rya W. Zobel. (to be tried with 04cv10717) (Urso, Lisa) (Entered: 01/10/2006)
01/24/2006	⑥0	Supplement to MOTION for Summary Judgment by Jeffrey Smith, William Grossi, Peter Allen, Michael T Maloney, William Faria, Ernest Therien, Massachusetts Department of Corrections. (Attachments: # 1 Exhibit A-C)(Poole, C.) Modified on 1/25/2006 (Johnson, Jay). (Entered: 01/24/2006)
01/24/2006	⑥1	MOTION to Stay <i>All Further Proceedings Until Such Time as the Court has Ruled on Defendants' Motion to Dismiss, or in the Alternative, for Summary Judgment and Supplement Thereto</i> by Jeffrey Smith, William Grossi, Peter Allen, Michael T Maloney, William Faria, Ernest Therien, Massachusetts Department of Corrections.(Poole, C.) (Entered: 01/24/2006)
01/25/2006	⑥1	Documents terminated: <u>60</u> Supplemental MOTION for Summary Judgment filed by William Grossi,, Peter Allen,, Ernest Therien,, William Faria,, Massachusetts Department of Corrections,, Jeffrey Smith,, Michael T Maloney,, (Johnson, Jay) (Entered: 01/25/2006)
02/01/2006	⑥2	MOTION for Court Order by Joseph P. Schmitt.(Johnson, Jay) (Entered: 02/02/2006)
02/01/2006	⑥3	MOTION for Court Order of production of mail monitor records from defendants by Joseph P. Schmitt.(Johnson, Jay) (Entered: 02/02/2006)
02/01/2006	⑥4	EMERGENCY MOTION to Stay defendant's pending motions until the court has ruled on plaintiff's outstanding motions... by Joseph P. Schmitt. (Johnson, Jay) Modified on 2/2/2006 (Johnson, Jay). (Entered: 02/02/2006)
02/01/2006	⑥5	Opposition re <u>61</u> MOTION to Stay <i>All Further Proceedings Until Such Time as the Court has Ruled on Defendants' Motion to Dismiss, or in the Alternative, for Summary Judgment and Supplement Thereto</i> filed by Joseph P. Schmitt. (Johnson, Jay) (Entered: 02/02/2006)
02/01/2006	⑥6	Opposition re <u>60</u> Supplemental MOTION for Summary Judgment filed by Joseph P. Schmitt. (Johnson, Jay) (Entered: 02/02/2006)
02/28/2006	⑥7	Judge Rya W. Zobel : endorsed ORDER entered denying <u>62</u> Motion for Order, denying <u>63</u> Motion for Order, denying <u>64</u> Motion to Stay as moot. (Urso, Lisa) (Entered: 03/01/2006)
03/03/2006	⑥7	NOTICE of Appearance by Jody T. Adams on behalf of all defendants (Adams, Jody) (Entered: 03/03/2006)

03/22/2006	③	Electronic Clerk's Notes for proceedings held before Judge Rya W. Zobel : Final Pretrial Conference held on 3/22/2006. Jury trial 4/3/06; 1-2 days; (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 03/23/2006)
03/31/2006	⑥8	Judge Rya W. Zobel : ORDER entered. PROCEDURAL ORDER re pretrial/trial Jury Trial set for 4/3/2006 09:00 AM in Courtroom 12 before Judge Rya W. Zobel.(Urso, Lisa) (Entered: 03/31/2006)
04/03/2006	⑦	Electronic Clerk's Notes for proceedings held before Judge Rya W. Zobel ;Jury Trial Day one held on 4/3/2006; 8 jurors selected & sworn; opening by plaintiff then defendant; plaintiff's witness #1 Carter Thomas; direct; cross; redirect; witness #2 Jeffrey Smith; witness #3 Patrick Mulvey; witness #4 Stephen Kennedy; direct; cross; redirect; witness #5 Paul Gordon; witness #6 Peter Allen; plaintiff's rests; defendant's witness #1 Patrick Mulvey; direct; cross; redirect; recross; (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 04/03/2006)
04/04/2006	⑧	Electronic Clerk's Notes for proceedings held before Judge Rya W. Zobel : Jury Trial Day 2 held on 4/4/2006; defendant's witness # 2 Jeffrey Smith; cross; redirect; recross; witness #3 Ernest Therien; cross; witness #4 William Faria; cross; witness #5 Peter Allen; direct; defendant's rest' no rebuttal; Jury charge; Jury verdict for the plaintiff in the amount of \$302.00. (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 04/04/2006)
04/04/2006	⑨69	Exhibit and witness List. (Urso, Lisa) (Entered: 04/05/2006)
04/04/2006	⑩70	JURY VERDICT in favor of plaintiff against defendants. (Urso, Lisa) (Entered: 04/05/2006)
04/05/2006	⑪71	Judge Rya W. Zobel : ORDER entered. JUDGMENT in favor of plaintiff against defendants in the amount of \$101.00(Urso, Lisa) (Entered: 04/05/2006)
04/12/2006	⑫72	MOTION for court Order by Joseph P. Schmitt.(Urso, Lisa) (Entered: 04/18/2006)
04/12/2006	⑬73	MOTION for Attorney Fees by Joseph P. Schmitt.(Urso, Lisa) (Entered: 04/18/2006)
04/12/2006	⑭74	MOTION to recover expenses by Joseph P. Schmitt.(Urso, Lisa) (Entered: 04/18/2006)
04/12/2006	⑮75	MOTION for Reconsideration and/or notice of appeal re: directed verdict by Joseph P. Schmitt.(Urso, Lisa) (Entered: 04/18/2006)
04/12/2006	⑯76	MOTION for Order against defendants by Joseph P. Schmitt.(Urso, Lisa) (Entered: 04/18/2006)
04/12/2006	⑰77	MOTION for transcripts by Joseph P. Schmitt.(Urso, Lisa) (Entered: 04/18/2006)
04/12/2006	⑲85	NOTICE OF APPEAL by Joseph P. Schmitt. NOTICE TO COUNSEL:

		A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 5/2/2006. (rec'd for filing 5/9/06)(Johnson, Jay) (Entered: 05/10/2006)
04/13/2006	•	DOCKET SHEET sent to Joseph P Schmitt. (Sonnenberg, Elizabeth) (Entered: 04/13/2006)
04/21/2006	• 78	MOTION for Extension of Time to May 12, 2006 to File Response/Reply as to 72 MOTION for Order by Jeffrey Smith, Peter Allen.(Poole, C.) (Entered: 04/21/2006)
04/21/2006	• 79	Opposition re 73 MOTION for Attorney Fees, 74 MOTION to recover expenses, 75 MOTION for Reconsideration filed by Jeffrey Smith, Peter Allen. (Attachments: # 1 Exhibit A and B)(Poole, C.) (Entered: 04/21/2006)
04/21/2006	• 80	Letter/request (non-motion) from Joseph Schmitt requesting names and addresses of all jurors. (Johnson, Jay) (Entered: 04/25/2006)
05/01/2006	• 81	REPLY to Response to Motion re 73 MOTION for Attorney Fees, 74 MOTION to recover expenses, 75 MOTION for Reconsideration filed by Joseph P. Schmitt. (Johnson, Jay) (Entered: 05/02/2006)
05/01/2006	•	Judge Rya W. Zobel : endorsed ORDER entered denying 73 Motion for Attorney Fees, denying 74 Motion to recover expenses, granting 78 Motion for Extension of Time to File Response/Reply re 72 MOTION for Order Responses due by 5/12/2006 (Urso, Lisa) (Entered: 05/02/2006)
05/05/2006	• 82	MOTION for Reconsideration by Joseph P. Schmitt.(Johnson, Jay) (Entered: 05/05/2006)
05/05/2006	• 83	NOTICE OF APPEAL as to Order on Motion for Attorney Fees,, Order on Motion for Miscellaneous Relief,, Order on Motion for Extension of Time to File Response/Reply, by Joseph P. Schmitt. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 5/25/2006. (Johnson, Jay) (Entered: 05/05/2006)
05/05/2006	•	Judge Rya W. Zobel : Electronic ORDER entered denying 76 Motion for Order. " Denied as premature" (Johnson, Jay) (Entered: 05/05/2006)
05/05/2006	•	Judge Rya W. Zobel : Electronic ORDER entered denying 77 Motion for transcripts (Johnson, Jay) (Entered: 05/05/2006)
05/05/2006	•	Judge Rya W. Zobel : Electronic ORDER entered denying 75 Motion for Reconsideration. "Denied as plaintiff agreed to the dismissal of these defendants" (Johnson, Jay) (Entered: 05/05/2006)
05/09/2006	• 84	Certified and Transmitted Record on Appeal to US Court of Appeals re

		83 Notice of Appeal, (Attachments: # 1)(Ramos, Jeanette) (Entered: 05/09/2006)
05/10/2006	86	Opposition re 72 MOTION for Order <i>and Motion for Sanctions</i> filed by Jeffrey Smith, Peter Allen. (Attachments: # 1 Exhibit A and B)(Poole, C.) (Entered: 05/10/2006)
05/10/2006	87	Judge Rya W. Zobel : endorsed ORDER entered denying 82 Motion for Reconsideration. Upon reconsideration of plaintiffs multiple motions for fees and expenses, they are again denied. (Urso, Lisa) (Entered: 05/11/2006)
05/12/2006	88	Certified and Transmitted Record on Appeal to US Court of Appeals re 85 Notice of Appeal, (Ramos, Jeanette) (Entered: 05/12/2006)
05/26/2006	89	Letter/request (non-motion) from Joseph Schmitt requesting copies of cases. (Johnson, Jay) (Entered: 05/30/2006)
05/26/2006	90	Letter/request (non-motion) from Joseph Schmitt requesting copies of exhibits. (Johnson, Jay) (Entered: 05/30/2006)
05/26/2006	91	REPLY to Response to Motion re 72 MOTION for Order. & (motion for sanctions) filed by Joseph P. Schmitt. (Johnson, Jay) (Entered: 05/30/2006)
05/30/2006	92	The court does not PROVIDE copies requested in pleadings #88 and #89. (Johnson, Jay) (Entered: 05/30/2006)
07/20/2006	93	Judge Rya W. Zobel : ORDER entered. MEMORANDUM of Decision entered.(Urso, Lisa) (Entered: 07/20/2006)
07/26/2006	94	Letter/request (non-motion) from Plaintiff requesting copies. (Johnson, Jay) (Entered: 07/28/2006)
10/13/2006	95	MOTION for Reconsideration re 72 MOTION for Order by Joseph P. Schmitt.(Johnson, Jay) (Entered: 10/16/2006)
10/16/2006	96	Opposition re 93 MOTION for Reconsideration re 72 MOTION for Order <i>and Renewed Motion for Sanctions</i> filed by all defendants. (Poole, C.) (Entered: 10/16/2006)
10/18/2006	97	REPLY to Response to Motion re 76 MOTION for Order and Motion for Sanctions filed by Joseph P. Schmitt. (Johnson, Jay) (Entered: 10/19/2006)
11/13/2006	98	MOTION to Vacate Schmitt's Indigency Status by all defendants. (Attachments: # 1 Exhibit 1# 2 Exhibit 2# 3 Exhibit 3 and 4)(Poole, C.) (Entered: 11/13/2006)
11/27/2006	99	Opposition re 96 MOTION to Vacate Schmitt's Indigency Status filed by Joseph P. Schmitt. (Johnson, Jay) (Entered: 11/28/2006)
11/27/2006	100	MEMORANDUM in Opposition re 96 MOTION to Vacate Schmitt's Indigency Status filed by Joseph P. Schmitt. (Johnson, Jay) (Entered: 11/28/2006)

02/21/2007	<u>99</u>	MANDATE of USCA as to <u>85</u> Notice of Appeal, filed by Joseph P. Schmitt, <u>83</u> Notice of Appeal, filed by Joseph P. Schmitt. Pursuant to our Local Rule 27.0(c), the judgments are AFFIRMED. (Mandate issued in the USCA 2/21/2007). (Ramos, Jeanette) (Entered: 02/21/2007)
02/21/2007	<u>100</u>	Appeal Record Returned: <u>85</u> Notice of Appeal, <u>83</u> Notice of Appeal, (Ramos, Jeanette) (Entered: 02/21/2007)
02/28/2007	<u>100</u>	MOTION to rule on #72 by Joseph P. Schmitt.(Johnson, Jay) (Entered: 03/01/2007)
09/04/2007	<u>101</u>	MOTION for ruling on motions by Joseph P. Schmitt.(Johnson, Jay) (Entered: 09/05/2007)
09/10/2007	<u>102</u>	RESPONSE to Motion re <u>101</u> MOTION for ruling <i>and Renewed Motion for Sanctions</i> filed by Jeffrey Smith, William Grossi, Peter Allen, Michael T Maloney, William Faria, Ernest Therien, Massachusetts Department of Corrections. (Poole, C.) (Entered: 09/10/2007)
10/10/2007	<u>103</u>	Judge Rya W. Zobel : ORDER entered granting <u>101</u> Motion to rule on motions (Urso, Lisa) (Entered: 10/10/2007)
10/15/2007	<u>104</u>	MOTION for Clarification re <u>103</u> Order on Motion for Miscellaneous Relief by Jeffrey Smith, William Grossi, Peter Allen, Michael T Maloney, William Faria, Ernest Therien, Massachusetts Department of Corrections.(Poole, C.) (Entered: 10/15/2007)
10/15/2007	<u>104</u>	Judge Rya W. Zobel : endorsed ORDER entered granting <u>104</u> Motion for Clarification and so ordered. (Urso, Lisa) (Entered: 10/16/2007)
10/30/2007	<u>105</u>	Letter/request (non-motion) from C. Ray Poole to John S. Day. (Johnson, Jay) (Entered: 10/30/2007)
11/06/2007	<u>106</u>	Letter/request (non-motion) from Johns S. Day to Ms Poole regarding Schmitt Letters. (Johnson, Jay) (Entered: 11/06/2007)
11/14/2007	<u>107</u>	Letter/request (non-motion) from Plaintiff requesting documents. (Johnson, Jay) (Entered: 11/15/2007)
11/23/2007	<u>108</u>	Response to opposition to plaintiff's motions #103 and 104 in 04-10717 regarding return of stories by Joseph P. Schmitt. (Attachments: # 1 Exhibit)(Johnson, Jay) (Entered: 11/26/2007)
01/10/2008	<u>110</u>	MOTION to Vacate Plaintiff's Indigency Status by Massachusetts Department of Corrections. (Attachments: # 1 Exhibit)(Johnson, Jay) (Entered: 01/29/2008)
01/29/2008	<u>111</u>	Opposition re <u>110</u> MOTION to Vacate filed by Joseph P. Schmitt. (Johnson, Jay) (Entered: 01/29/2008)
02/13/2008	<u>111</u>	Motions terminated: <u>104</u> MOTION for Clarification re <u>103</u> Order on Motion for Miscellaneous Relief filed by Jeffrey Smith, William Grossi, William Faria, Michael T Maloney, Massachusetts Department of Corrections, Ernest Therien, Peter Allen. Decided on 10/15/07 (Urso, Lisa) (Entered: 02/13/2008)

02/13/2008	112	Judge Rya W. Zobel: ORDER entered denying 109 Motion for Recusal; granting 110 Motion to Vacate (Urso, Lisa) (Entered: 02/14/2008)
02/27/2008	113	NOTICE OF APPEAL as to 112 Order on Motion for Recusal, Order on Motion to Vacate by Joseph P. Schmitt NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 3/18/2008. (Johnson, Jay) (Entered: 02/28/2008)